

House File 2502

S-5319

1 Amend House File 2502, as amended, passed, and reprinted by  
2 the House, as follows:

3 1. Page 37, after line 28 by inserting:

4 <DIVISION \_\_\_\_

5 UNFAIR OR DISCRIMINATORY EMPLOYMENT PRACTICES

6 Sec. \_\_\_\_\_. Section 669.21, subsection 2, Code 2018, is  
7 amended by adding the following new paragraph:

8 NEW PARAGRAPH. c. The duty to indemnify and hold harmless  
9 shall not apply if the employee is accused of committing an  
10 unfair or discriminatory employment practice in violation of  
11 state or federal law. If the employee is accused of committing  
12 an unfair or discriminatory employment practice in violation of  
13 state or federal law and the accusation results in an award by  
14 a court, the duty to compensate the plaintiff shall apply, but  
15 the state shall seek restitution from the employee.

16 Sec. \_\_\_\_\_. Section 669.22, Code 2018, is amended to read as  
17 follows:

18 **669.22 Actions in federal court.**

19 1. The state shall defend any employee, and shall indemnify  
20 and hold harmless an employee of the state in any action  
21 commenced in federal court under 42 U.S.C. §1983 against the  
22 employee for acts of the employee while acting in the scope  
23 of employment. The duty to indemnify and hold harmless shall  
24 not apply and the state shall be entitled to restitution  
25 from an employee if the employee fails to cooperate in the  
26 investigation or defense of the claim or demand, or if, in  
27 an action commenced by the state against the employee, it is  
28 determined that the conduct of the employee upon which the  
29 claim or demand was based constituted a willful and wanton act  
30 or omission or malfeasance in office.

31 2. The duty to indemnify and hold harmless shall not  
32 apply if the employee is accused of committing an unfair or  
33 discriminatory employment practice in violation of federal  
34 law. If the employee is accused of committing an unfair or  
35 discriminatory employment practice in violation of federal law

1 and the accusation results in an award by a court, the duty to  
2 compensate the plaintiff shall apply, but the state shall seek  
3 restitution from the employee.>  
4 2. By renumbering as necessary.

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